

CONFIDENTIAL
Department of State

OUTGOING
TELEGRAM

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ORIGIN AF-18

0215 AF1113

INFO AS-B1 EXEP-B1 AF:P-B1 AF:I-B1 AF:S-B2 BLS-B1 /B07 A1

INFO OCT-08 ADS-08 INR-18 CIAE-08 ICA-11 NSAE-08 L-03
/B34 R

DRAFTED BY AF/S:CHANSON;DH
APPROVED BY AF/S:DSIMPSON
AF/L:MELY
L/T:CWILLSON
FBIS:WKLIN

-----226167 092319Z /65

P R 091904Z APR 81
FM SECSTATE WASHDC
TO AMEMBASSY MBABANE PRIORITY
INFO FBIS WASHDC

CONFIDENTIAL STATE 089788

E.O. 12065: GDS (4/8/87) (SIMPSON, D.)

TAGS: PINT, WZ

SUBJECT: FBIS INSTALLATION

REF: MBABANE 0913

1. (CONFIDENTIAL - ENTIRE TEXT).

2. REGRET DELAYED RESPONSE TO REFTEL.

3. EMBASSY'S PROPOSED TEXT OF BILATERAL AGREEMENT BETWEEN USG AND GOS RE FBIS INSTALLATION HAS BEEN REVIEWED BY FBIS AND STATE LEGAL ADVISORS. FBIS LEGAL ADVISOR WITH CONCURRENCE OF STATE LEGAL ADVISOR SUGGESTS THE FOLLOWING CHANGES BE MADE TO PROPOSED TEXT (CHANGES CORRESPOND TO SUBNUMBERED PARAS OF PARA 4 REFTEL):

-- SUBPARA 1: CHANGE "FROM THE PUBLIC PRESS OF TEN COUNTRIES IN SOUTHERN AFRICA" TO "FROM THE PUBLIC PRESS OF SOUTHERN AFRICAN COUNTRIES". NOTE DELETION OF NUMBER "TEN".

-- SUBPARA 2: CHANGE "THE FBIS WILL ALSO MAKE AVAILABLE FREE OF CHARGE MATERIALS..." TO "THE FBIS WILL ALSO MAKE AVAILABLE FREE OF CHARGE OTHER FBIS MATERIALS..."

--SUBPARA 3: DELETE WORDS "RESIDENT IN SWAZILAND: FROM SENTENCE BEGINNING "BUREAU MAY BE STAFFED BY UP TO FOUR AMERICANS..."

-- SUBPARA 4: CHANGE SENTENCE "ALL UNITED STATES PERSONNEL WILL BE..." TO READ "ALL UNITED STATES PERSONNEL AND MEMBERS OF THEIR FAMILIES WILL BE..."

-- SUBPARA 5: DELETE WORD INCONSPICUOUS (SIC) AND ADD "IN A REASONABLY INCONSPICUOUS MANNER" TO END OF SENTENCE. SUGGESTED VERSION WOULD READ "THE FBIS WILL OPERATE OUT OF SPACE TO BE RENTED IN A COMMERCIAL BUILDING IN MBABANE AND WILL EMPLOY ROOFTOP OR GROUND-LEVEL ANTENNAE IN A REASONABLY INCONSPICUOUS MANNER.

-- SUBPARA 6: ADD "REASONABLE" BETWEEN WORDS "UPON NOTICE". SUGGESTED VERSION WOULD READ "...MAY BE INSPECTED FREELY BY APPROPRIATE SWAZILAND GOVERNMENT OFFICIALS UPON REASONABLE NOTICE TO THE UNITED STATES EMBASSY".

-- SUBPARA 7: CHANGE "NINETY DAYS" TO "SIX MONTHS".

NOTE: FBIS LEGAL ADVISOR SUGGESTS TIME LIMIT TO TERMINATE AGREEMENT BE STRETCHED AS MUCH AS POSSIBLE UP TO DESIRED LIMIT OF SIX MONTHS IF SIX MONTH LIMIT IS UNACCEPTABLE TO GOS.

PLEASE NOTE THAT THESE ARE SUGGESTED CHANGES TO BE PROPOSED TO GOS BUT NOT INSISTED UPON SHOULD GOS STRONGLY DISAGREE.

4. CIRCULAR 175 AUTHORIZATION IS REQUIRED. DEPT. IS PREPARING NECESSARY MEMORANDA NOW AND WILL ADVISE WHEN AUTHORIZATION IS RECEIVED.

5. FBIS/W WISHES TO THANK AMBASSADOR AND AID LEGAL ADVISOR FOR WISELY INCLUDING TELEVISION IN PARA 1 OF PROPOSED TEXT. CLARK

51 FBIS

State Dept. review completed

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ACTION AF-10

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MBABAN 00913 261726Z
POLICY MAKERS;

8209 AF7818

ACTION OFFICE RLS-01

INFO AS-01 EXEP-01 AF-P-01 AF-I-01 AF-S-01 /006 A1

INFO OCT-01 ADS-00 INR-10 CIAE-00 NSAE-00 L-03 ICAE-00
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P R 261530Z MAR 81

FM AMEMBASSY MBABANE

TO SECSTATE WASHDC PRIORITY 1609

INFO FOREIGN BROADCAST INFORMATION SERVICE WASHDC

C O N F I D E N T I A L MBABANE 00913

E.O. 12065: GDS 3/26/87 (MATHERON, RICHARD C.), OR-H

TAGS: PINT, WZ

SUBJECT: FBIS INSTALLATION

REF: (A) STATE 065582, (B) MBABANE 0761

1. (CONFIDENTIAL - ENTIRE TEXT).

2. PARA 4 CONTAINS PROPOSED TEXT PREPARED BY AMBASSADOR WITH ASSISTANCE FROM USAID REGIONAL LEGAL ADVISOR. EMBASSY DRAWS ATTENTION TO INCLUSION OF TELEVISION IN PARA 1 OF PROPOSED TEXT. ALTHOUGH THERE HAS BEEN NO RPT NO MENTION OF TELEVISION IN PREVIOUS EXCHANGE OF CABLES WITH WASHINGTON, WE NOTE THAT TELEVISION WAS MENTIONED IN SOME OF THE MATERIAL PROVIDED IN RELATION TO THE IVORY COAST INSTALLATION. AS FAR AS SWAZILAND IS CONCERNED, THERE IS OFTEN MORE IMPORTANT COMMENTARY ON TELEVISION THAN ON RADIO; ALSO UNDER CERTAIN CONDITIONS IT IS POSSIBLE TO MONITOR SOUTH AFRICAN TELEVISION.

3. AS NOTED IN REFTEL B, SWAZILAND GOVERNMENT HAS EXPRESSED STRONG PREFERENCE FOR BILATERAL AGREEMENT OVER A MEMORANDUM OF UNDERSTANDING OR EXCHANGE OF NOTES. WE SHOULD ACQUIESCE IF WE REALLY WANT TO GET FINAL AGREEMENT. QUESTION ARISES WHETHER AMBASSADOR WILL REQUIRE CIRCULAR 175 AUTHORIZATION (11 FAM 700) TO PURSUE FURTHER DISCUSSIONS AND NEGOTIATIONS WITH SWAZILAND AUTHORITIES. PLEASE ADVISE.

4. EMBASSY'S DRAFT TEXT:

AGREEMENT

BETWEEN

THE GOVERNMENT OF THE UNITED STATES OF AMERICA

AND

THE GOVERNMENT OF THE KINGDOM OF SWAZILAND

FOREIGN BROADCAST INFORMATION SERVICE BUREAU

WHEREAS THE GOVERNMENT OF THE UNITED STATES OF AMERICA ("UNITED STATES GOVERNMENT") HAS REQUESTED THAT IT BE PERMITTED TO ESTABLISH A BUREAU OF THE FOREIGN BROADCAST INFORMATION SERVICE ("FBIS") IN THE KINGDOM OF SWAZILAND; AND

WHEREAS THE GOVERNMENT OF THE KINGDOM OF SWAZILAND ("SWAZILAND GOVERNMENT") HAS GRANTED PERMISSION FOR SAID BUREAU TO BE ESTABLISHED; AND

WHEREAS THE FBIS IS ENGAGED SOLELY IN THE REPORTING OF DEVELOPMENTS AND COMMENTS FROM PUBLIC INFORMATION MEDIA OF VALUE TO THE UNITED STATES FOREIGN AFFAIRS ANALYSTS AND

NOW THEREFORE, THE PARTIES AGREE THAT:

1. THE UNITED STATES GOVERNMENT MAY ESTABLISH A BUREAU OF THE FOREIGN BROADCAST INFORMATION SERVICE IN SWAZILAND, WHICH BUREAU WILL MONITOR PUBLIC TELEVISION, RADIO AND PRESS AGENCY TRANSMISSIONS AS WELL AS SELECTIONS FROM THE PUBLIC PRESS OF TEN COUNTRIES IN SOUTHERN AFRICA.

2. ALL FBIS MATERIAL MONITORED IN SWAZILAND WILL BE AVAILABLE ON A DAILY BASIS TO THE SWAZILAND GOVERNMENT FREE OF CHARGE. THE FBIS WILL ALSO MAKE AVAILABLE FREE OF CHARGE MATERIALS DESIRED BY THE SWAZILAND GOVERNMENT FROM OTHER AREAS OF THE WORLD.

3. THE BUREAU MAY BE STAFFED BY UP TO FOUR AMERICANS RESIDENT IN SWAZILAND AND 10 TO 15 NON-AMERICANS. TO THE GREATEST EXTENT POSSIBLE, THE NON-AMERICANS WILL BE RECRUITED IN SWAZILAND, EXCEPT WHERE LINGUISTIC OR TECHNICAL CAPABILITIES REQUIRE THEY BE RECRUITED FROM OUTSIDE SWAZILAND. FBIS STAFF FROM THE UNITED STATES WILL BE USED FROM TIME TO TIME, ON A TEMPORARY BASIS, PARTICULARLY IN THE BUREAU'S FORMATIVE STAGES.

4. THE BUREAU WILL OPERATE AS A COMPONENT OF THE UNITED STATES EMBASSY UNDER THE AUTHORITY OF THE UNITED STATES AMBASSADOR. ALL UNITED STATES PERSONNEL WILL BE AFFORDED THE SAME PRIVILEGES AND IMMUNITIES AS OTHER ADMINISTRATIVE AND TECHNICAL STAFF OF THE EMBASSY.

5. THE FBIS WILL OPERATE OUT OF SPACE TO BE RENTED IN A COMMERCIAL BUILDING IN MBABANE AND WILL EMPLOY INCONSPICUOUS ROOFTOP OR GROUND-LEVEL ANTENNAE.

6. IN ORDER TO ASSURE THAT THE AGREED PURPOSES ARE BEING ADHERED TO, THE BUREAU OPERATIONS MAY BE INSPECTED FREELY BY APPROPRIATE SWAZILAND GOVERNMENT OFFICIALS UPON NOTICE TO THE UNITED STATES EMBASSY.

7. THIS AGREEMENT MAY BE TERMINATED BY EITHER PARTY UPON NINETY-DAYS NOTICE TO THE OTHER PARTY.

FOR THE GOVERNMENT OF THE

FOR THE GOVERNMENT OF THE

KINGDOM OF SWAZILAND:

UNITED STATES OF AMERICA:

RICHARD C. MATHERON
AMBASSADOR.

MATHERON

CONFIDENTIAL

SECRET

-2-

technical capabilities are not available locally, some employees would have to be recruited from outside Swaziland. The bureau would operate seven days a week with day and evening shifts.

FBIS' affiliation with CIA is a matter of public record and was made known to Deputy Prime Minister Nsibandze in March 1979. FBIS does not publicize its affiliation. FBIS now operates in 14 countries.

The extension will not lead to environmental impacts either within or beyond the U.S. calling for further consideration under the National Environmental Policy Act, Executive Order 12114 on Environmental Effects Abroad of Major Federal Actions or the Department's environmental review regulation and procedures.

RECOMMENDATION:

That you authorize negotiations and conclusion of an agreement along the lines of the attached text subject to approval of changes by the Bureau of African Affairs and the Office of the Legal Adviser.

Approve _____ Disapprove _____

Attachments:

- Tab 1 - Text of Agreement -- Mbabane 913 of 3/26/81 and State 089788 of 4/9/81.
- Tab 2 - Memorandum of Law.

CH
Drafted:AF/S:CHanson:mo:emb
5/15/81:x20916

Cleared:AF:HEHoran *HEH*
AF/S:DSimpson *DS*
L/AF:NEly *NE*
L/T:CWillson *CH*
FBIS: *CH*
H:JMortony *CH*
AF/EX-RSalazar *CH*
MMO-RGMays *CH*

SECRET

STAT